

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 295 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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A K SHAH

Versus

SECRETARY OF HIS SUCCESSOR. GEB

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Appearance:

MR DS VASAVADA for Petitioners

MR MD PANDYA for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/10/1999

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties and perusing the document annexure 'D' on the record of this special civil application filed by the respondent along with the reply, I do not find any justification in the claim of the petitioner No.2 for grant of higher pay scale benefit from 1st August, 1972.

2. Looking to the adversities in the service record

of the petitioner, the decision of the Board to give him the higher pay scale benefit from 1st January, 1979 can not be said to be illegal or arbitrary. The adverse remarks for the year 1970-71 even if were not communicated still the adverse remarks for the year 1971-72 were communicated and the adverse remarks for the years 1968-69, 1969-70 were also communicated and in the presence of these adverse remarks he could not have been given the benefit of higher pay scale from 1st August, 1972.

3. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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